

## **Exhibit 7**

# **Defendants' Supplemental Responses to Jose Claros's First Set of Discovery Requests To All Defendants**

**(Excerpts)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ROBERTO CLAROS, et al.,

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, INC.,  
et al.,

Defendants

Case No. 1:16-cv-344-AJT-MSN

**DEFENDANTS' SUPPLEMENTAL RESPOND TO  
ROBERTO CLAROS' FIRST SET OF DISCOVERY REQUESTS**

**Interrogatories**

1. Please state your current job title and list all of your job duties. State your past job titles and past job duties since January 1, 2010. If your job title or duties changed during this time, describe the change, state when it occurred, and state why it occurred.

**Answer:**

Mr. Myung Koo worked as a subcontractor, working mostly on windows for Centroval Window for approximately five years beginning in 2005. His job duties included framing and installing windows on project site, but gained other skills necessary for a general contractor such as framing and general plumbing work. He quit his job when he formed a general contractor company called Sweet Home Improvements, Inc., a Virginia corporation ("Company").

On February 2, 2011, Mr. Koo and Mrs. Mi Ae Koo started the Company. He is currently one of the owner/director and is also the president of the Company. He owns 100% of the Company. As director of the Company, Mr. Koo is responsible for approving all Company management and operation. As president of the Company, Mr. Koo is responsible for

5. Please state Roberto Claros's agreed-upon rate of compensation and the method by which he was compensated (e.g. check or cash.) If he was compensated by more than one method, please describe fully (e.g., how much was in check and how much in cash). If the plaintiff's agreed-upon pay rate or method of payment changed at any time, state when the change occurred, the persons who authorized the change, and all reasons the change occurred.

Answer:

Project Owner: William Kinska  
Date of Contract: April 4, 2015  
Project Address: 20871 Chiproaks Forest Cr., Sterling, VA  
Work Done by Sub: install windows  
Agreed Sub Price: \$500 for one day work

Project Owner: Nina Bakely  
Date of Contract: April 15, 2015  
Project Address: 6837 Spring Beauty Ct., Springfield VA  
Work Done by Sub: Deck demolition and frame work  
Agreed Sub Price: \$2500 for approximately 1 week work

Project Owner: Maten Shafik  
Date of Contract: April 15, 2015  
Project Address: 4009 Easterbrook Dr., Annandale, VA 22003  
Work Done by Sub: Sunroom, framing work  
Agreed Sub Price: \$3000 for approximately 1 week work

Project Owner: Douglas Lee  
Date of Contract: June 3, 2015  
Project Address: 5216 Gilpin Dr., Springfield, VA  
Work Done by Sub: Sunroom, framing work  
Agreed Sub Price: \$3000 for approximately 1 week work

For each projects noted above, Jose Claros was the subcontractor that Mr. Koo negotiated the price for each project. Mr. Koo would take Jose Claros to the job sites noted above and for each one would quote the maximum subcontractor price Mr. Koo had budgeted for that particular work and the time frame within which to finish it. It did not matter to Mr. Koo whether the subcontractor and his helper decides to work all day and night and finish the job in one day or take all the time given to them. Normal work hours are 8:00 AM to 4:30 PM,

with 30 minutes lunch break. Mr. Koo would pay the subcontractor if job is completed within the time frame noted and to Mr. Koo's satisfaction.

Later on, in April 2015, Jose Claros wanted the Company to pay them on an hourly basis and would submit invoices of work done with hours worked. Mr. Koo would pay as requested as long as the requested amount did not go over the budgeted amount Mr. Koo told each subcontractors earlier in the project. Mr. Koo did not negotiate pay terms directly with Roberto Claros, but Jose Claros would submit Roberto's payment claim. Mr. Koo estimates that based on what was requested by Jose Claros, Roberto Claros' wage/payment comes out to be approximately \$18/hour. Some payments were made by cash and others by Company checks. Mr. Koo does not know the method of payments for each project.

Apart from direct cash payments, the Company kept canceled checks (carbon copies) for each individuals as they were paid, which tells exactly when they worked and how much was paid. However, Defendants closed this bank account in December 2015 and have lost/cannot locate the carbon copies. The bank is BB&T, located in Burke, VA, with account number 151040470. Defendants have requested the bank to provide them with account summaries for 2015 and will supplement this response when the document is available.

There are no formal pay stubs or W-2. Roberto Claros worked as a helper for independent contractor, Jose Claros, and was hired/paid periodically on as need basis. Sweet Home Improvements kept asking Roberto Claros' for social security number or address. He would not give it, despite numerous requests to do so. This is the reason why 1099 could not be prepared and records incomplete.

All work hours and compensation determination are made by Mr. Koo. Compensation for subcontractors are determined based on their level of experience and nature of work, as well as the contract amount and the amount of time to complete the project. Based on years of experience, Mr. Koo will determine the rate.

6. For each day that Roberto Claros worked for you, please state:
- a. The time at which Roberto Claros began performing the work you hired him to perform, or the time you required him to be on duty and ready to receive instructions from you, whichever is earlier; and
  - b. The time at which Roberto Claros stopped performing the work you hired him to perform, or the time you released him from duty and that he no longer had to be ready to receive instructions from you, whichever is later.
  - c. The length of any lunch or other regular breaks taken during that day.

Answer:

10. Please identify all persons who supervised or inspected Roberto Claros's work at any time during his tenure at Sweet Home, or who had the authority to do so. Describe the nature of the nature of their supervisory or inspection authority. As part of your answer, if any of the foregoing changed at any time during Roberto Claros's tenure, please answer separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Answer:

Mr. Koo, as the general contractor, is ultimately responsible for all work, delegating work, and supervising his subcontractors and helpers. If a work project is located in Virginia, Mr. Koo would check in during lunchtime or when a contract material is delivered. In Roberto Claros' case, Jose Claros is responsible for supervision of Roberto's work, and Mr. Koo is responsible for supervision of Jose Claros' work.

11. Please identify any individuals supervised by Roberto Claros, and describe the nature of his supervisory responsibilities. As part of your answer, if any of the foregoing changed at any time during Roberto Claros's tenure, please answer separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Answer:

None.

12. Please describe all acts of misconduct or inadequate performance that Roberto Claros committed at any time during his tenure, and describe any disciplinary or corrective actions that were taken against him as a result. As part of your answer, please identify who was responsible for deciding and/or carrying out the disciplinary or corrective actions, and describe why that person made the decision that they did.

Answer:

Roberto Claros only worked when Jose Claros was working. Roberto Claros had no tools of his own and couldn't work otherwise. Sometimes Jose and Roberto Claros would work for another employer/contractor during company time; or would work for the home owner

for extra jobs and keep the money to themselves. Both Jose and Roberto Claros were reprimanded by Mr. Koo that they cannot do this. Roberto Claros also worked on deck railing that failed to pass inspection. One time when Mr. Koo went to a job site no one was there and he had to call and yell at them.

13. Please identify all persons who had the authority to discipline or terminate Roberto Claros during his tenure with Sweet Home. As part of your answer, if any of the foregoing changed at any time during Roberto Claros's tenure, please answer separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Answer:

Mr. Koo is responsible for hiring and firing of workers at the Company or subcontractors who work for the Company.

14. Please identify and describe all communications that you have had with any third party regarding any Roberto Claros; his work (including his hours of work); his compensation; his termination or separation from work; this lawsuit; or the subject-matter of this lawsuit, including your pay practices in general.

Answer:

Defendants cannot identify and describe "every" conversation they made have had with "any" third party regarding Roberto Claros' work, compensation, termination, or this lawsuit. However, Mr. and Mrs. Koo work closely with each other and are aware of most of Company's activities and its workers/subcontractors.

15. Please describe in detail all communications that you have had with Roberto Claros regarding his compensation, at any time. This includes any communications regarding pay that Roberto Claros claimed not to have received. Please state exactly when and where the communication took place, the nature of the communication, and who was present.

Answer:

Project Owner: Nina Bakely

17. For each location where Roberto Claros performed any work for you, please identify all persons who were present at that location at the same time as Roberto Claros, whether or not they were working alongside him, and state the dates that both they and Roberto Claros were present at that location. Include all persons who were not working for Sweet Home (such as the owners of the property where the work was being performed; their agents; their guests; or their family members). For each such person, please provide all known contact information. For persons who were working for Sweet Home, please identify them as a Sweet Home worker and provide their job title and the type of work they were performing at the time.

Answer:

Project Owner: Nina Bakely  
Date of Contract: April 15, 2015  
Project Address: 6837 Spring Beauty Ct., Springfield VA  
Work Done by Sub: Deck demolition and frame work  
Agreed Sub Price: \$2500 for approximately 1 week work

Project Owner: Douglas Lee  
Date of Contract: June 3, 2015  
Project Address: 5216 Gilpin Dr., Springfield, VA  
Work Done by Sub: Sunroom, framing work  
Agreed Sub Price: \$3000 for approximately 1 week work

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Date of Contract: April 15, 2015  
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Work Done by Sub: Sunroom, framing work  
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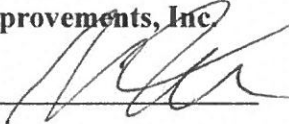
Project Owner: William Kinska  
Date of Contract: April 4, 2015  
Project Address: 20871 Chiproaks Forest Cr., Sterling, VA  
Work Done by Sub: install windows  
Agreed Sub Price: \$500 for one day work

For each of the job sites, Roberto Claros would work with Jose Claros, with Jose supervising Roberto. They would in turn be supervised by Mr. Koo as the general



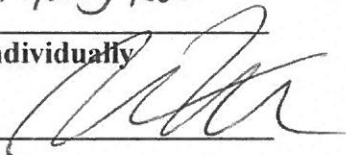
I declare, under penalty of perjury of the laws of the United States, that my answers to Plaintiff Roberto Claros's First Set of Interrogatories are true and correct. 28 U.S.C. § 1746(2).

Name: Myung Koo  
Myung Koo, President  
Sweet Home Improvements, Inc.

Signature: 

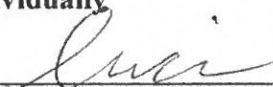
Executed on (date): 06/21/16

Name: Myung Koo  
Myung Koo, individually

Signature: 

Executed on (date): 06/21/2016

Name: Miae Koo  
Miae Koo, individually

Signature: 

Executed on (date): 06/21/2016